

Remarks/Arguments

Claims 1-3 and 5-6 are rejected under 35 USC 103(a) over Raza et al and Canepa et al in view of Dreves et al, and claim 4 is rejected over the same references in further view of Calabresi et al. Applicants request reconsideration and withdrawal of these rejections for the reasons that follow.

The Examiner is referred to Applicants' remarks made in the Amendment After Final Rejection filed September 10, 2009, which are here incorporated by reference. In these remarks, Applicants argued that Raza et al teaches that thalidomide's cytoprotective and/or anticytokine properties, are believed to be the primary basis for its utility in treating MDS.

In the Advisory Action dated September 18, 2009, the Examiner responds that Raza et al "indicates that the antiangiogenic activity of Thalidomide is as important as the cytoprotective and/or anticytokine activity for the treatment of MDS." However, a teaching of the equal importance of all of these properties of thalidomide for treating MDS would not suggest to the skilled artisan that MDS should be treated with an antiangiogenic compound that is not also known to possess cytoprotective and/or anticytokine properties. Therefore, combined disclosure of the references does not suggest the presently claimed invention.

Withdrawal of the rejections under 35 USC 103(a) are requested for the reasons discussed above.

Entry of this paper and reconsideration and allowance of the claims are respectfully requested.

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Respectfully submitted,


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